

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BISOUS BISOUS LLC,

Plaintiff,

v.

THE CLE GROUP, LLC,
BISOU UPTOWN MANAGER, LLC, and
JOHN DOES 1–10,

Defendants.

Case No. 3:21-cv-01614-B

**APPENDIX TO PLAINTIFF BISOUS BISOUS LLC'S MOTION FOR
HEARING REGARDING DEFENDANTS' NON-COMPLIANCE WITH
PRELIMINARY INJUNCTION ORDER**

	<u>Document</u>	<u>Pages</u>
1.	- Declaration of David B. Conrad	6–12
2.	Ex. A. Screenshots from the “Bisou Dallas” @bisoudtx Instagram and @bisoudtx Facebook accounts taken on August 12–14, 2021	13–18
3.	Ex. B. Screenshots from the “Bisou Dallas” @bisoudtx Instagram and @bisoudtx Facebook accounts taken on August 16–17, 2021	19–26
4.	Ex. C. Screenshots from the @bisouhouston and @salimdehkordi Instagram accounts taken on August 17, 2021	27–29
5.	Ex. D. Screenshot of the webpage at https://bisoudallas.com/about/ captured on August 18, 2021	30
6.	Ex. E. Copies of a letter dated August 17, 2021 and a partially redacted letter dated August 23, 2021 from Plaintiff’s counsel to Defendants’ counsel, Ken Kula	31–36
7.	Ex. F. Screenshots captured on August 19–27, 2021 from the “Clé SupperClub” (@cledtx) Instagram and the “Cle Restaurant” (@cledtx) Facebook accounts showing recent uses of BISOU	37–43

	<u>Document</u>	<u>Pages</u>
8.	Ex. G. Screenshots of previously-uploaded posts from the “Clé SupperClub” (@cledtx) Instagram and “Cle Restaurant” (@cledtx) Facebook accounts taken on August 27, 2021	44–54
9.	Ex. H. Screenshot of the “About” page of the “Cle Restaurant” (@cledtx) Facebook account and a screenshot of the “Clé SupperClub” (@cledtx) Instagram page taken on August 27, 2021	55–58
10.	Ex. I. Screenshots taken on August 27, 2021 of the “BISOU” Yelp page at https://www.yelp.com/biz/bisou-dallas , “Cle Supper Club” Google Business Profile, and The Cle Group LinkedIn page at https://www.linkedin.com/company/clegrouphtx/about/ .	59–68
11.	Ex. J. Screenshots of public, third-party Instagram and Facebook posts that use the terms “Bisou,” “#bisou,” and “#bisoudtx” that were location tagged at “Cle Restaurant” or “Uptown Dallas” on August 20–24, 2021.	69–79
12.	Ex. K. Screenshot taken on August 23, 2021 from the “Bisou Uptown” RESY page at https://resy.com/cities/dfw/bisou-uptown?date=2021-08-24&seats=3 and screenshot of a BISOU branded menu downloaded on August 27, 2021 from https://www.audacy.com/dfwrestaurantweek/restaurants#home/participating-restaurants/restaurant-details4/61017cc03073a600229b4c31/kn-asset/14-24-15-6111107b4a98e9001ee56124/bisou_menu_dfwrestaurantweek.pdf	80–84
13.	Ex. L. Screenshots of public, third-party Instagram and Facebook posts that show use of BISOU branded materials between August 18–25, 2021	85–93
14.	Ex. M. Screenshots of public, third-party Instagram posts that appear to show consumers at Defendants’ restaurant and not Bisous Bisous Patisserie, yet are tagged by the poster with the geo-location for “Bisous Bisous Patisserie,” taken between August 18–25, 2021.	94–101
15.	Ex. N. Excerpt of the Instagram location page for “Bisous Bisous Patisserie” at https://www.instagram.com/explore/locations/419600349/bisous-bisous-patisserie/ taken on August 25, 2021.	102–106
16.	- Declaration of Dane Peterson	107–108

	<u>Document</u>	<u>Pages</u>
17.	Ex. 1 Photograph taken on August 18, 2021 of the sign outside 2619 McKinney Avenue, Suite #120, Dallas, TX 75204 that read “BISOU CONTINENTAL CUISINE”	109
18.	Ex. 2 Photographs taken on August 18, 2021 of the front cover and interior of a drink menu that read “BISOU CONTINENTAL CUISINE”	110–111
19.	Ex. 3 Photographs taken on August 18, 2021 of a wine menu and food menu that both read “BISOU CONTINENTAL CUISINE”	112–113
20.	Ex. 4 Still photograph from a video taken on August 18, 2021 of a wall- mounted electronic screen displaying “BISOU CONTINENTAL CUISINE”	114
21.	Ex. 5 Still photograph of a video taken on August 18, 2021 of a computer monitor displaying “BISOU CONTINENTAL CUISINE”	115
22.	Ex. 6 Photograph taken on August 18, 2021 of a business card from Assistant General Manager Zachary Stephens, that includes “BISOU CONTINENTAL CUISINE” and “THECLEGROUP.COM” on it	116
23.	- Declaration of Matthew Meyer	117–119

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: August 27, 2021

By: /s/ David B. Conrad

David B. Conrad
Texas Bar No. 24049042
conrad@fr.com
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

Kristen McCallion (*admitted pro hac vice*)

mccallion@fr.com
Vivian Cheng (*admitted pro hac vice*)
cheng@fr.com
7 Times Square, 20th Floor
New York, NY 10036
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Attorneys for Plaintiff
BISOUS BISOUS LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 27, 2021, a true and correct copy of the foregoing document has been filed with the clerk of court for the U.S. District Court, Northern District of Texas and served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Dated: August 27, 2021

/s/ David B. Conrad

David B. Conrad